

1 **Tammy Hussin (155290)**
2 **WEISBERG & MEYERS, LLC**
3 **6455 Pyrus Pl.**
4 **Carlsbad, CA 92011**
5 **760 676 4001 ext 215**
6 **866 565 1327 facsimile**
7 **thussin@AttorneysForConsumers.com**
8 **Attorney for Plaintiff**

COPY

2008 JUN 25 PM 1:36
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

FILED

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
11 **SANTA ANA DIVISION**

11 **Ciji Ray**) Case No. **SACV08-00707 AG (MANx)**
12)
13 **Plaintiff,**) **COMPLAINT FOR VIOLATION**
14) **OF FEDERAL FAIR DEBT**
15 **vs.**) **COLLECTION PRACTICES ACT**
16) **AND ROSENTHAL FAIR DEBT**
17 **First Revenue Assurance, LLC**) **COLLECTION PRACTICES ACT**
18) **AND INVASION OF PRIVACY**
19 **Defendant.**)
20)

21 **I. INTRODUCTION**

22 1. This is an action for damages brought by an individual consumer for
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
24 1692, *et seq.* (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection
25 Practices Act, Cal Civ Code § 1788, *et seq.* (hereinafter "RFDCPA"), both of
26
27
28

1 which prohibit debt collectors from engaging in abusive, deceptive, and unfair
2 practices.
3

4 **II. JURISDICTION**

5 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).
6

7 **III. PARTIES**

8 3. Plaintiff, Ciji Ray, is a natural person residing in Orange County in
9 the state of California, and is a “consumer” as defined by the FDCPA, 15 U.S.C.
10 § 1692a(3).
11

12 4. At all relevant times herein, Defendant, First Revenue Assurance,
13 LLC (“Defendant”) was a Colorado limited liability company engaged, by use of
14 the mails and telephone, in the business of collecting a debt from Plaintiff which
15 qualifies as a “debt,” as defined by 15 U.S.C. § 1692a(5), and a “consumer debt,”
16 as defined by Cal Civ Code § 1788.2(f). Defendant regularly attempts to collect
17 debts alleged to be due another, and therefore is a “debt collector” as defined by
18 the FDCPA, 15 U.S.C. § 1692a(6), and RFDCPA, Cal Civ Code § 1788.2(c).
19
20
21
22
23

24 **IV. FACTUAL ALLEGATIONS**

25 5. At various and multiple times prior to the filing of the instant
26 complaint, including within the one year preceding the filing of this complaint,
27 Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.
28

1 6. On or about January 18th, 2008, Plaintiff received an initial
2 communication from Defendant, demanding payment of the alleged debt.
3

4 7. Subsequently, on January 31, 2008, within the thirty day period as
5 described in 15 USC 1692(a), Plaintiff notified Defendant in writing that the
6 validity of the alleged debt was in dispute.
7

8 8. Thereafter, on February 18, 2008, Defendant sent an additional letter
9 to Plaintiff again demanding payment of the alleged debt, without first providing
10 Plaintiff with validation of the debt as required under the FDCPA, in violation of
11 15 USC § 1692g(b).
12

13 9. On at least one occasion in the past year, Defendant used false
14 representations and deceptive means in connection with collection of the alleged
15 debt, including a statement to Plaintiff that the collector was a police officer in
16 violation of 15 USC § 1692e(10) and Cal Civ Code 1788.11(b) and Cal Civ Code
17 1788.13(d).
18

19 10. On at least one occasion in the past year, Defendant failed to provide
20 meaningful identification in telephone calls to Plaintiff in violation of 15 USC §
21 1692d(6) and Cal Civ Code 1788.11(b).
22

23 11. On at least one occasion in the past year, Defendant caused Plaintiff's
24 phone to ring repeatedly or continuously with intent to harass, annoy or abuse
25 Plaintiff in violation of 15 USC § 1692d(5) and Cal Civ Code 1788.11(d),(e).
26
27
28

1 12. Defendant's aforementioned violations of the FDCPA also constitute
2 an intentional intrusion into Plaintiff's private places and into private matters of
3 Plaintiff's life, conducted in a manner highly offensive to a reasonable person.
4 Plaintiff had a subjective expectation of privacy in the context of Defendant's
5 actions that was objectively reasonable under the circumstances.
6

7
8 13. As a result of Defendant's behavior, detailed above, Plaintiff
9 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
10 embarrassment, mental anguish and emotional distress.
11

12 **COUNT I: VIOLATION OF FAIR DEBT**
13 **COLLECTION PRACTICES ACT**
14

15 14. Plaintiff reincorporates by reference all of the preceding paragraphs.
16

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff respectfully prays that judgment be entered
19 against the Defendant for the following:

- 20 A. Declaratory judgment that Defendant's conduct
21 violated the FDCPA;
22 B. Actual damages;
23 C. Statutory damages;
24 D. Costs and reasonable attorney's fees; and,
25 E. For such other and further relief as may be just and proper.
26

27 **COUNT II: VIOLATION OF ROSENTHAL**
28 **FAIR DEBT COLLECTION PRACTICES ACT**

1 15. Plaintiff reincorporates by reference all of the preceding paragraphs.

2
3 16. To the extent that Defendant's actions, counted above, violated the
4 RFDCPA, those actions were done knowingly and willfully

5 **PRAYER FOR RELIEF**

6
7 WHEREFORE, Plaintiff respectfully prays that judgment be entered
8 against the Defendant for the following:

- 9 A. Declaratory judgment that Defendant's conduct
10 violated the RFDCPA;
11 B. Actual damages;
12 C. Statutory damages for willful and negligent violations;
13 D. Costs and reasonable attorney's fees,
14 F. For such other and further relief as may be just and proper.

15
16 **COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

17 17. Plaintiff reincorporates by reference all of the preceding paragraphs.

18 **PRAYER FOR RELIEF**

19
20 WHEREFORE, Plaintiff respectfully prays that judgment be entered
21 against the Defendant for the following:

- 22 A. Actual damages
23 B. Punitive Damages; and,
24 C. For such other and further relief as may be just and proper.
25
26
27
28